

REMARKS

The Amendments

Specification

Pursuant to 37 C.F.R. § 1.125, applicants have submitted herewith a substitute specification. As explained in more detail below, applicants have amended the specification at pages 1, 4-6, 10, 12, 15, 18-19, 25, 27, 30, 33, 36-38, 40-42, 47-49, 51, 55-57, 59, 64, 68, 71-72, 74, and 76-108. Applicants have enclosed Appendix A, in which the original specification has been annotated to indicate those amendments. Deleted matter is shown by brackets, while added matter is shown by carets or some other notation indicating an addition. A clean copy of the amended specification is attached as Appendix B. None of these amendments adds new matter.

Applicants have amended the specification at page 1 to cross-reference the present application to earlier applications from which it claims priority.

Applicants specifically direct the Examiner's attention to the original specification at page 41, line 27, in which "including" was amended to read --exclusively--. The Examiner will note that the structure of that sentence clearly indicates that the applicants are disclosing

compositions that may include, but are not limited to, the "additional agents" listed, e.g., "an immunodulatory agent" or "other inhibitors of HCV protease". Use of the word "including" is an obvious error, as "including" is preceded by the word "not". Accordingly, the word "including" was amended to read --exclusively--.

Applicants have also amended several graphical structures in the specification. In certain structures, primary and secondary amines, hydroxyl groups, and tertiary carbons were drawn without indicating the presence of hydrogen atoms. Applicants' amendments replace "N" with --NH-- or --NH₂-- , "O" with --OH--, and "C" with --CH--, as appropriate. Further, the negative charge on certain monosubstituted oxygen atoms has been indicated by placing a minus sign on the appropriate oxygen atoms. Moreover, in compound 161, applicants removed one of the bonds to the nitrogen, as nitrogen is not pentavalent.

Applicants have amended Tables 1-6 to omit the "*"s from the radicals. The asterisk was a shorthand abbreviation for the macrostructure (set forth at the top of each table) to which each of the radicals is attached. This shorthand was (1) used inconsistently throughout the tables, and (2) is unnecessary in view of the arrows extending from the

radicals, which indicate the point of attachment of those radicals to each macrostructure. Accordingly, applicants have omitted the "*"s from Tables 1-6.

Lastly, applicants have also amended the specification to improve its form at pages 1, 4-6, 10, 12, 15, 18-19, 25, 27, 30, 33, 36-38, 40-42, 47-49, 51, 55-57, 59, 64, 68, 71-72, 74, and 76-108 of the specification as originally filed.

Claims

Applicants have amended claims 1, 9-10, 18-21, 24, 30, 33-34, and 36-37 and have added claims 38-42. Support for these amendments and added claims may be found in the written description and claims as originally filed. None of these amendments or added claims adds new matter, and applicants reserve the right to prosecute any matter which may have been canceled through amendments of the claims herein.

Applicants have enclosed Appendix C, which sets forth the amendments to the claims and includes the added claims. Deleted matter is shown by brackets, while added matter is shown by underlining.

Applicants have amended claim 1 to carve out the subject matter elected in U.S. Patent Application No. 09/293,247, now U.S. Patent No. 6,265,380, and U.S. Patent Application No. 09/875,390, and thereby claim the remaining subject matter. Claim 1 was also amended to recite the correct spelling of "substituted" and "heterocyclylalkyl", and to insert a comma after the word "hydrogen" in the definition of R⁸.

Applicants have amended claim 9 to add a colon after the word "wherein" and to delete the carbonyl limitation in view of the proviso now recited in claim 1. Support for this amendment may be found in the specification as originally filed, e.g., page 33, line 4.

Applicants have amended claim 10 to claim structures wherein A² is a bond. Support for this amendment may be found in the specification as originally filed, e.g., page 31, line 10.

Applicants have also amended claim 10 to delete the carbonyl limitation in view of the proviso now recited in claim 1 and to claim structures wherein K is a sulfonyl group. Support for this amendment may be found in the specification as originally filed, e.g., page 30, line 14.

Applicants have amended claim 20 to improve its form by deleting the comma after "aralkyl." Applicants have also amended claim 21 to recite preferred M groups. Support for this amendment may be found in the specification as originally filed, e.g., page 30, lines 8-11.

Applicants have amended claim 24 to delete the carbonyl limitation in view of the proviso now recited in claim 1 and to claim structures wherein K is a sulfonyl group. Support for this amendment may be found in the specification as originally filed, e.g., page 30, line 14 and page 31, line 10.

Applicants have also amended claim 30 to delete the carbonyl limitation in view of the proviso now recited in claim 1 and to claim structures wherein K is a sulfonyl group. Support for this amendment may be found in the specification as originally filed, e.g., page 34, line 1.

Applicants have amended claim 33 by adding "any of", thereby placing it in proper multiple dependent form.

Claims 34 and 37 have also been amended to recite proper antecedent basis for the term "patient."

Applicants have amended claims 33, 34 and 36, to depend from claims 1-31 instead of claims 1-32. Support for these claim dependency amendments may be found throughout the

specification as originally filed as well as claims 33, 34 and 36 as originally filed.

Applicants have therefore added claims 38 to 42, directed to pharmaceutically acceptable compositions of the compounds of claim 32, as well as methods of treatment and prevention using the claimed compounds and compositions. Support for these claims may be found in the specification as originally filed, as well as in the claims as originally filed.

Applicants have added claim 43, directed to compounds wherein "Z is phenyl, wherein any carbon atom is optionally substituted with J." Support for this amendment may be found in the specification as originally filed, e.g., page 29, lines 22-30.

Applicants have amended claim 18 to depend from claim 17 instead of claim 10. Applicants have also amended claim 19 to depend from claim 10. Support for these claim dependency amendments may be found throughout the specification as originally filed.

Applicants request that the Examiner enter these amendments to the claims and specification, consider the foregoing remarks, and pass this application to grant.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants
Kyumin K. Lee
Agent for Applicants (Reg. No. 53,195)
FISH & NEAVE
1251 Avenue of the Americas
New York, NY 10020-1104
Tel (212) 596-9000
FAX (212) 596-9090